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C O N F I D E N T I A L SECTION 01 OF 03 HARARE 000112

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AF/S FOR B. NEULING
NSC FOR SENIOR AFRICA DIRECTOR C. COURVILLE
USAID FOR E. LOKEN

E.O. 12958: DECL: 12/31/2016
TAGS: PGOV PHUM PREL ZI
SUBJECT: GOZ INTENSIFIES ATTACK ON ZIMBABWE LAWERS FOR
HUMAN RIGHTS

REF: A. HARARE 74
     ¶B. KHARTOUM 166 (NOTAL)
     ¶C. HARARE 1006 AND PREVIOUS (NOTAL)

Classified By: Ambassador Christopher Dell for reasons 1.5 b/d

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Summary

¶1. (C) According to several Embassy sources in civil society,
the GOZ,s crackdown on the independent radio station Voice
of the People (VOP) is actually directed at the Zimbabwe
Lawyers for Human Rights (ZLHR) and its head Arnold Tsunga.
Tsunga and other ZLHR employees, as VOP trustees, have been

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charged with broadcasting without a license in a transparent
attempt to harass the organization. Furthermore, there are
also reports that Tsunga,s life may be in danger and he has
reportedly left the country. We recommend that the
Department issue a press statement deploring these threats
(see para 12).

¶2. (C) ZLHR representatives said they believed the government
was reacting to the African Commission on Human and People,s
Rights resolution condemning the GOZ,s human rights abuses,
which ZLHR authored. The report,s author told Emboffs that
the GOZ came under unexpected fire at the AU Summit in
Khartoum. He also said he expected the resolution would be
adopted at the next AU Council of Ministers summit. End
summary.

VOP Crackdown Ensnares Human Rights Lawyers

¶3. (SBU) On January 24, Zimbabwe Lawyers for Human Rights
(ZLHR) reported that ZLHR Executive Director Arnold Tsunga
and the other five trustees of independent radio station
Voice of the People had turned themselves in to police
earlier that day, after attempted arrests of Tsunga and
another trustee earlier in the week (ref A). The six
trustees had appeared in court that afternoon and had been
released on bail. All six had been charged with violating
the Broadcasting Services Act for operating a radio station
without a license. Their next court appearance was scheduled
for February 10.

¶4. (C) On January 27, Tsunga told poloff that the case
against the trustees was weak. Radio Netherlands broadcast
Voice of the People to Zimbabwe from the Netherlands, via a
relay station in Madagascar. There was no radio station
signal broadcast from within Zimbabwe, therefore no violation
of the Broadcasting Services Act. Tsunga said a stronger
case would have been to arrest the staff for practicing
journalism IN Zimbabwe without a license. He speculated
that, since the prosecutor dealing with the case was a good
lawyer, she may have been sympathetic and deliberately chosen
a weak case.

The Real Targets: Tsunga and ZLHR

¶5. (C) On January 31, ZLHR lawyer Otto Saki told emboff that
the government was using the VOP case to target Tsunga and
ZLHR. In that regard, he noted that on January 26, the
Zimbabwe Human Rights Association (Zimrights) had reported
that a source who may have been linked to the military had
warned them that the government had given the Zimbabwean
Military Intelligence (ZIC) orders to hunt Tsunga down and
kill him. Zimrights said that the government was aware that
the case against Tsunga and the other trustees would fail in
the courts and was therefore using extralegal means of
silencing him. Saki also noted that the police had also
raided both Tsunga,s house in his hometown of Mutare and his
residence in Harare. He added that Tsunga had accepted a
consulting contract abroad and had left the country for two

weeks to let things die down.

¶6. (C) Saki said the government was attacking ZLHR and Tsunga because of the organization,s work crafting and lobbying for the high-profile African Commission on Human and People,s Rights (ACHPR) resolution condemning the GOZ,s human rights abuses (ref A). The GOZ had been very upset by the ACHPR resolution and had not expected it to go so far. The government press had stepped up its negative stories on ZLHR and mentioned the organization nearly every day. Saki said ZLHR was expecting the government to raid its offices soon and had moved its extensive records on the GOZ,s human rights abuses and ZLHR litigation to another site.

¶7. (C) On January 31, Beatrice Mtetwa, a ZLHR trustee who is representing the VOP trustees, told poloff she also believed the real target of the VOP case was ZLHR and Tsunga. She was expecting &something big8 to happen against ZLHR any day. Earlier that day, police arrested four ZLHR paralegals interviewing individuals at a camp for the displaced as part of a project to document GOZ human rights abuses during Operation Restore Order (ref C). Police took the four to a nearby police station and released them without charge when ZLHR lawyers intervened.

First Person Account of Incident in Sudan

¶8. (C) On January 30, ZLHR lawyer Jacob Mafume gave poloff a first-person account of his experience at the AU Heads of State meeting of the African Union in Khartoum, where Sudanese police had detained him, along with other representatives of African civil society (ref B). Mafume said that the action did not appear to have any bearing to Zimbabwe or the other countries named in the ACHPR resolution and that it appeared to be an overreaction on the part of working level Sudanese police officers.

¶9. (C) Mafume said several members of international and African NGOs were discussing the upcoming AU summit when police entered the room and other police, who had been posing as Sudanese NGO representatives announced that the meeting was cancelled because the discussion posed a threat to state security. Police questioned the NGO representatives but all were ultimately released and their belongings returned. Mafume said the group had already discussed most of its agenda, including ACHPR resolutions condemning human rights abuses by several governments, including the GOZ.

¶10. (C) Mafume said that despite the government-sponsored press attempts to dismiss the ACHPR resolution, its prospects for eventual adoption by the AU appeared good. The GOZ had not, for instance, gotten the &usual easy ride8 from its fellow African governments and there had been a serious discussion of how to deal with the GOZ,s continuing human rights abuses. Mafume said the South Africans had brokered a compromise allowing the GOZ until the next Council of Ministers summit (most likely in June or July) to respond to the resolution, but he predicted the Council would adopt the resolution at that time as currently written.

Comment and Action Request

¶11. (C) The real target in the VOP case does indeed appear to be ZLHR and in particular Arnold Tsunga. The government has often used court cases to harass civil society and opposition groups, of which ZLHR has been one of the most effective. However, the death threats against Tsunga may signal the regime,s reversion to the more violent tactics of a few years ago, and could presage a greater degree of repression against its opponents. Lending substance to this theory is ZLHR,s role in the ACPHR resolution. The resolution is the latest of several cracks in African solidarity with Mugabe and its adoption would be a major setback for an increasingly desperate GOZ. ZLHR, as the organization responsible, could expect even harsher treatment if that comes to pass.

¶12. (C) With longstanding mission support, ZLHR has been perhaps the most successful local NGO in documenting and publicizing the GOZ,s human rights abuses domestically and internationally. In this environment, we feel it is critical to project USG support for our democratic partners when they are under greatest threat. In that vein, we recommend that the Department release a statement condemning the threats against Tsunga,s life and underscoring official concern about the safety of civil rights activists in Zimbabwe. Such a statement could serve to protect a key figure in civil society and signal to the GOZ, which is in the midst of a modest diplomatic charm offensive, that our fundamental concerns about ruling party abuses remain.
DELL